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Security Council

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Letter dated 20 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/384).

The Counter-Terrorism Committee has received the attached supplementary report from Sweden, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the text of the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-45180 (E) 120702

Annex

Letter dated 19 June 2002 from the Permanent Representative of Sweden to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your letter dated 22 March 2002, please find enclosed a complementary report prepared by the Ministry of Finance, the Ministry of Foreign Affairs and the Ministry of Justice of Sweden (see enclosure).

(*Signed*) Pierre **Schori**
Ambassador
Permanent Representative of Sweden to the United Nations

Enclosure

Complementary report by Sweden to the Counter-Terrorism Committee established under Art. 6 of Resolution 1373 (2001)

United Nations Security Council Resolution 1373 calls upon all States to report to the Counter-Terrorism Committee (CTC) established under the provisions of the Resolution on the steps taken to implement the Resolution. Sweden would like to add the following comments to the questions posed by the CTC, complementing the Swedish report of 13 December 2001. This report is set out according to the guidelines circulated by the Chairman of the Committee established under UNSCR 1373.

1 (d) Please provide particulars of preventive surveillance and control mechanisms that Sweden has put in place to ensure that funds for the financing of terrorism are not channelled through charitable, religious or cultural organisations.

Through article 2 paragraph 1 (b) and Article 3 (a) of Council Regulation (EC) No 2580/2001 of 27 December 2001, compared to the Swedish Act on international sanctions, section 8, the wilful act of making any funds available to terrorists or terrorist groups, have been criminalized in Sweden. Also, both this Regulation and Council Regulation (EC) No 881/2002 of 27 May 2002, which implements UNSCR 1390, obligate financial institutions to provide any information that could facilitate compliance with the Regulation. No legislative action has been taken against charitable, religious or cultural organisations in particular. As with every other crime, it is the duty of the police and the prosecutors to investigate and take legal measures against anyone who violates these restrictions. It is not possible, however, to comment on any potential investigations in this report.

2 (b) Does Sweden have a body specialised in counter-terrorism, or is that the responsibility of a number of departments or agencies? Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?

Sweden does have a body specialized in counter-terrorism. It is the duty of the Swedish Security Service (Säkerhetspolisen) to prevent and detect crime against national security, including counter-terrorism measures.

The Swedish Government gives the Security Service general guidelines through an annual Government decision called the Approval document. This document states the main area of responsibility, including counter-terrorism.

2 (e) Are the relevant provisions of the Penal Code of Sweden applicable in all the following circumstances:
- acts committed outside Sweden by a person who is a citizen of, or habitually resident in, Sweden (whether that person is currently present in Sweden or not);
- acts committed outside Sweden by a foreign national who is currently in Sweden?
Please report on progress with the proposed legislation mentioned in relation to this paragraph.

The Penal Code *is* applicable in all the circumstances described in the question.

As stated in the report of 13 December 2001, the Swedish legislation contains no reference to terrorist acts as a specific criminal offence. Persons committing terrorist acts are punished in accordance with the general provisions in the Penal Code. Terrorist acts may, as mentioned in the December report, section 2 (e), materialize in a number of specific offences, for example murder, kidnapping, arson, devastation endangering the public, sabotage, hijacking, maritime- or air traffic sabotage, airport sabotage and spreading poison or a contagious substance. All these crimes are punishable by imprisonment for life.

Crimes committed in Sweden

The Swedish legislation on jurisdiction is far-reaching. Chapter 2 of the Swedish Penal Code states that crimes committed in Sweden shall be adjudged in accordance with Swedish law and by a Swedish court. The same applies when it is uncertain where the crime was committed but grounds exist for assuming that it was committed within the Realm (Section 1).

Crimes committed outside Sweden

Crimes committed outside Sweden shall be adjudged according to Swedish law and by a Swedish court where the crime has been committed:
1. by a Swedish citizen or an alien domiciled in Sweden,
2. by an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in the Realm or is a Danish, Finnish, Icelandic, or Norwegian citizen and is present in Sweden, or
3. by any other alien, who is present in the Realm, and the crime under Swedish law can result in imprisonment for more that six months (Section 2).

This shall not apply if the act is not subject to criminal responsibility under the law of the place where it was committed (double criminality principle).

Section 3 contains a rule on universal jurisdiction in a number of cases. Thus, according to this Section, Swedish jurisdiction applies *even* if the act is *not* punishable under the law of the place where it was committed (principle of universal jurisdiction).

Consequently, crimes committed outside Sweden shall be adjudged according to Swedish law and by a Swedish court; if the crime is hijacking, maritime or aircraft sabotage, airport sabotage, counterfeiting of money, an attempt to commit such crimes, a crime against international law, unlawful dealings with chemical weapons, unlawful dealings with mines or false or careless statement before an international court, or if the least severe punishment prescribed for the crime in Swedish law is imprisonment for four years or more.

Proposed legislation

As stated in the report of 13 December 2001, Sweden signed the International Convention for the Suppression of the Financing of Terrorism in October 2001. The Swedish Parliament accepted on 29 May 2002 a bill from the Government, including a proposal that Sweden should ratify the Convention. The new legislation will come into force on 1 July 2002.

The Parliament has also approved the European Framework Decision on Combating Terrorism, which is set out in the general report from the European Union. The same applies for the European Framework Decision on a European arrest warrant. The Government is preparing necessary legislative proposals to implement the framework decisions.

Concerning the issue of setting up the judicial co-operation unit Eurojust, mentioned in the December report, the Swedish Parliament has consented to Swedish approval of Eurojust.

3 (c) Please provide a list of the relevant bilateral agreements to which Sweden is a party.

Bilateral agreements including co-operation in combating terrorism:

Agreement between the Government of the Kingdom of Sweden and the Cabinet of Ministers of Ukraina concerning co-operation as regards measures to combat crime, Stockholm, 23 March 1999.

Agreement between the Government of the Kingdom of Sweden and the Government of the Republic of Hungary on co-operation in combating organized crime, illegal trafficking in narcotic drugs and psychotropic substances, terrorism and other forms of serious crime, Budapest 23 April 1997.

Agreement between the Government of the Kingdom of Sweden and the Government of the Russian Federation on co-operation in combating crime, Moscow 19 April 1995.

Agreement on police co-operation with France with respect to combating terrorism, illegal trafficking in narcotic drugs and organized crime, Paris 15 december 1989.

Memorandum of Understanding with Spain on co-operation in combating terrorism, illegal trafficking in narcotic drugs and serious organized crime, Madrid 11 May 1989.

3 (d) Please provide a report on the progress of the Bill on the ratification of the International Convention for the Suppression of the Financing of Terrorism and on progress with the ratification and implementation of the Convention on the Marking of Plastic Explosives for the Purpose of Detection.

As already mentioned under section 2 (e), Sweden has signed the International Convention for the Suppression of the Financing of Terrorism. The Swedish Parliament has recently approved the Convention and a bill containing the necessary legislative amendments. The new legislation will come into force on 1 July 2002.

Sweden ratified the International Convention for the Suppression of the Financing of Terrorism on 6 June 2002.

Sweden intends to ratify the Convention on the Marking of Plastic Explosives for the Purpose of Detection as soon as possible. Preparatory work recently began.

3 (e) Have the crimes set forth in the relevant international conventions been included as extraditable offences in the bilateral treaties to which Sweden is party?

Sweden has bilateral extradition treaties with Australia, Canada and the United States of America. As far as Swedish law is concerned, the crimes set forth in the relevant international conventions are extraditable offences under the bilateral treaties.

3 (g) Subparagraph 3 (g) requires States to "ensure, in conformity with international law, ... that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists". Please indicate whether Sweden's reservation to the European

Convention on the Suppression of Terrorism done at Strasbourg on 27 January 1977 reflects current practice and whether Sweden has any intention to consider the matter further.

Article 6 of the Extradition for criminal offences act contains provisions on extradition in respect of political offences:

Extradition may not be granted for a political offence.

If the act also includes an offence which is not of a political nature, extradition may be granted for that offence, if, in the actual case, the offence is predominantly of a non-political nature.

The foregoing does not apply concerning extradition to a Member State of the European Union or where refusal on this ground would be contrary to an international agreement applying between Sweden and the requesting state.

A person who is a Swedish citizen may not be extradited for a political offence.

According to paragraph 3, extradition for a political offence may not be refused where a refusal would be contrary to an international agreement applying between Sweden and the requesting state. Currently, the only agreement covered by the provision is the International Convention for the Suppression of Terrorist Bombings.

Currently, a working group within the Council of Europe is working on an amendment or an additional protocol to the 1977 European Convention on the Suppression of Terrorism. In that context Sweden will consider whether the reservation should be withdrawn.

4 What measures are taken to deal with the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking and illegal movement of nuclear, chemical, biological and other potentially deadly materials?

As regards the first issue mentioned under paragraph 4 of the Resolution, the connection between terrorism and transnational organized crime, illicit drugs and money laundering, Sweden takes part in the extensive work carried out by the European Union in accordance with the action

plan against terrorism that was adopted by the European Council on 21 September 2001. The large number of measures that is now being implemented by the European Union in accordance with this plan also cover, directly and indirectly, questions relating to organized crime and financing of terrorism.

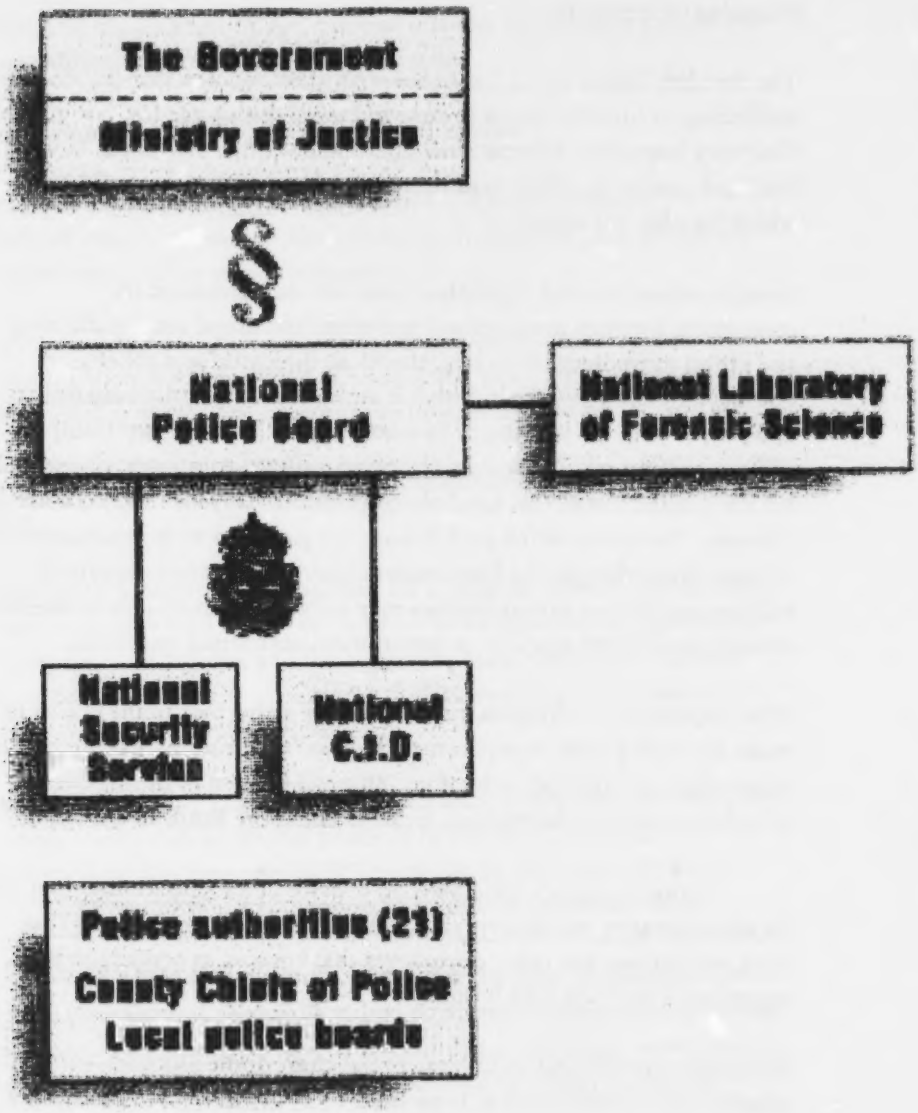
The Swedish Government has noted with great concern that the illicit trafficking in firearms seems to have increased during the last few years. One very important international instrument in this field is the UN Protocol against the illicit manufacturing of and trafficking in firearms, which Sweden has signed.

Swedish export control legislation takes into consideration the connection between international terrorism and illegal arms-trafficking and illegal movement of nuclear, chemical, biological and other potentially deadly materials. Swedish authorities, Swedish companies, and people who are residing in Sweden are prohibited by law to supply military equipment, inventions regarding military equipment or methods for the production of that kind of equipment to *"anyone"* abroad without a license. Violations of the prohibitions are punished with imprisonment or fines. According to the Government Guidelines on the exports of military equipment export licenses may only be granted to governments, central government agencies or government-authorised recipients.

After September 11, Sweden has been taking active part in the efforts to make the multilateral export control regimes better suited instruments in preventing material and technology, that can be used in the production of weapons of mass destruction, from reaching the hands of terrorists.

Other matters: Could Sweden provide an organisational chart of its administrative machinery, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

Enclosed you will find an organisational chart of the judiciary administrative machinery as requested.


The Government
Ministry of Justice
National Police Board
National Laboratory of Forensic Science
National Security Service
National C.I.D.
Police authorities (21)
County Chiefs of Police
Local police boards